

JP:NB

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT

- against -

18 U.S.C. § 1029

GABRIEL BANKOLE,
Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL GIOVANNIELLO, being duly sworn, deposes and says that he is a Special Agent with the United States Secret Service duly appointed according to law and acting as such.

Upon information and belief, on or about and between January 2004 and June 24, 2005, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant GABRIEL BANKOLE, did knowingly and with intent to defraud effect transactions, with one or more access devices issued to another person or persons, to receive payment or any other thing of value during any one year period the aggregate value of which is equal or greater than \$1,000.

(Title 18, United States Code, Section 1029(a)(5))

The source of your deponent's information and the grounds for his belief are as follows:

1. I have been a Special Agent with the U.S. Secret Service for approximately nine (9) years. The facts set forth below are based on my personal observations, my discussions with other law enforcement officers and my review of documents and other evidence. Because the purpose of this Affidavit is limited to setting forth probable cause, I have not set forth every fact of which I am aware concerning this investigation.

2. On or about June 21, 2005, agents from the Secret Service were advised by an employee of General Electric Corporate Payment that a request had been received to issue an additional card on a credit card account. The person requesting the additional card had used an address and telephone number that had previously been linked to credit card fraud on 13 other credit cards with losses totaling approximately \$200,000 since January 2004.¹ In addition, General Electric Corporate Payment had contacted the actual card holder who stated that he had not made any such request nor had he authorized anyone to make such a request on his behalf.

3. General Electric Corporate Payment stated that the requested substitute card had been sent by Federal Express and would be delivered on June 23, 2005 1454 Rockaway Parkway, Suite 153, Brooklyn, NY 11236 ("SUBJECT PACKAGE"). Law enforcement

¹ On five separate occasions calls to request the additional cards were made from phone number (347)623-7168.

contacted General Electric and requested that the SUBJECT PACKAGE be sent to the offices of the United States Secret Service.

3. On June 21, 2005 Magistrate Judge Kiyo Matsumoto issued an order authorizing agents of the Secret Service to install an electronic trip-wire device in the aforementioned SUBJECT PACKAGE. Such an electronic device transmits a radio signal which monitoring agents can hear when the package is in motion and/or upon the opening of the SUBJECT PACKAGE in which the device is concealed.

4. On June 23, 2005, Federal Express, under the direction of agents of the Secret Service, delivered the SUBJECT PACKAGE to 1454 Rockaway Parkway, Suite 153, Brooklyn, New York, which is known as Postal Express Plus. Agents from the Secret Service then began surveillance outside the Postal Express Plus at 1454 Rockaway Parkway, Brooklyn, NY.

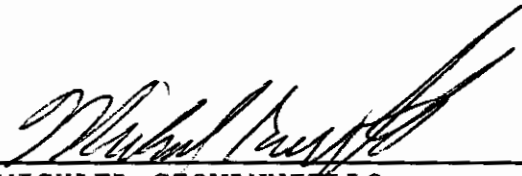
5. On June 24, 2005, monitoring agents from the Secret Service posted outside 1454 Rockaway Parkway observed the defendant, GABRIEL BANKOLE, exit the Postal Express Plus carrying the SUBJECT PACKAGE and heard the signal from the trip device. When agents attempted to approach the defendant he fled on foot and tossed the SUBJECT PACKAGE on the ground. Agents recovered the SUBJECT PACKAGE and chased the defendant for approximately two blocks before apprehending him.

6. Upon apprehending the defendant, GABRIEL BANKOLE,

agents from the Secret Service recovered a cellular telephone from his person bearing the number (347)623-7168. As reflected in footnote 1 above, on five separate occasions calls to request the additional cards were made from phone number (347)623-7168.


7. After advising the defendant of his Miranda warnings I interviewed him regarding this case. The defendant has a distinct voice with a noticeable accent. After speaking with the defendant I reviewed materials collected during this investigation including, an audio recording of a call placed to General Electric Corporate Payment regarding the SUBJECT PACKAGE on June 23, 2005. After listening to the recording of the call, it appears to be the voice of the defendant. During the call, the caller asks if the SUBJECT PACKAGE has been sent and inquires as to the balance on the account of the credit card.

WHEREFORE, your deponent respectfully requests that
defendant GABRIEL BANKOLE, be dealt with according to law.



MICHAEL GIOVANNIELLO
Special Agent
United States Secret Service

Sworn to before me this
24th day of June, 2005



UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK